

Serial No.: 10/708,590
 Confirmation No.: 2589
 Applicant: HJERTH, Kjell-Owe
 Atty. Ref.: 07589.0160.PCUS00

REMARKS:

REMARKS REGARDING AMENDMENT OF THE ABSTRACT:

The Examiner reminded Applicants of the proper language and format for an abstract of the disclosure, suggesting that words such as means and said should not be included. A new abstract, provided herein, omits words viewed as undesirable.

IN RESPONSE TO THE OFFICE ACTION:

Discussion of differences between the present invention and the reference includes a table providing requirements of claims of the present invention and a summary of teachings of Swennes et al. as follows:

Comparison of the present invention with teachings of the reference (Swennes et al.)

Claims Requirements of the Present Invention	Swennes et al. U.S. 2,044,649
Claim 1 recites "spring element comprises: a rubber body; a mechanical connection member that extends through the rubber body - - - ." The present invention uses fewer elements to provide the spring element.	Swennes et al. teaches a spring member requiring at least two separate resilient members 5, 10, one of which is metallic (10) while the other is non-metallic (5) (see e.g. Claim 1). This requirement is in addition to the hooks 36 of Figure 18, the cable 58 of Figure 20 and the rebound means of Figure 23 that limit extension of the non-metallic resilient member 5.
Claim 1 also recites " - - - the first stub <u>including fixing means</u> for obtaining a rotationally fixed, form-fit on said at least one of the vehicle frame and the wheel axle." Since the first stub itself includes "fixing means," the "form-fit" in this case requires at least a portion	Referring to Figure 14 and Figure 15, the reference teaches an end plate having a flat-sided hole 25 to prevent the end plate from twisting with respect to the bolts (see page 3, left column, lines 67 - 75). Both the end plate and the bolts are part of the mount (TremoRid) and there is no teaching by

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of the first stub to cooperate with a portion of the vehicle frame or the wheel axle. See also claim 3.	Swennes et al. of means included in the bolts to rotationally fix the bolts when inserted in a frame or cross member.
Claim 1 further recites, "coupling the connection member to at least one of the vehicle frame and the wheel axle" This indicates that a mating portion may be associated with the frame or the wheel axle or both. Claim 3 provides further clarification.	Swennes et al. teaches the need for attachment of "TremoRid" mounts using bolts to secure opposing ends of each mount to provide connection and vibration dampening between power plants and frames or cross-members. The reference is silent regarding mating features formed in frames and cross-members.

REJECTION UNDER 35 U.S.C. § 102:

Claims 1, 2 and 4 - 7 were rejected under 35 U.S.C. §102(b) as being anticipated by B.A. Swennes et al. (U.S. 2,044,649). A statement from the Office Action is included below for convenient reference when reviewing applicants' response to rejection of claim 1 of the present invention, as follows:

Re. claim 1 Swennes et al. disclosed, as shown in Fig. 18, a spring element capable of being used in transmitting compression and tensile forces between a vehicle frame and a wheel axle, spring element comprises: a rubber body 38; a mechanical connection 36 that extends through the rubber body and is arranged to limit the distancing movement between the vehicle frame and the axle, said connection member comprises a coupling device 37 for coupling the connection member to at least one of vehicle frame and axle; and the coupling device further comprises a first stub 37 with a threaded portion protruding from the spring element, the first stub including fixing means, which can be a nut fastened to the stub 37, for obtaining a rotationally fixed, form-fit to a round hole on said at least one vehicle frame and axle.

For there to be anticipation under 35 U.S.C. §102, "each and every element" claimed by the present invention must be found either expressly or inherently described in the reference of Swennes et al. The following discussion provides evidence that Swennes et al. fails to satisfy the requirements of an anticipating reference since it does not teach or inherently describe at least three of the features required by claim 1 of the present invention (see the tabular summary previously presented).

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The rejection of claim 1 relies upon the illustration provided by Figure 18 of Swennes et al. Such rejection, without reference to the descriptive portion of the reference, causes incomplete appreciation of precisely what the reference teaches.

The Office Action uses Swennes et al. to show a "spring element (that) comprises: a rubber body 38; a mechanical connection 36 that extends through the rubber body and is arranged to limit the distancing movement between the vehicle frame and the axle." However, the Examiner omitted the spring 10 that is also included in a "TremoRid" mount illustrated in Figures 1 - 6 of the reference and described at page 1, right column line 31 to page 2, left column line 42. The reference, at page 3, right column lines 34 - 40, confirms the inclusion of a spring 10 as part of the mount illustrated in Figure 18 of Swennes et al. Omission of the spring 10 is evidence of influence of the present invention with regard to examination of its claims. Claim 1, for example does not require a helical, metallic spring as part of the spring element described in the present application.

When Swennes et al. receives consideration for all that it teaches there is evidence that the reference fails to anticipate other features found in claim 1 of the present invention. One of these features, described in paragraphs [0011], [0012], and [0025], (Published Application U.S. 2004/0178549 A1) depends upon mating surfaces of the stub 11 and vehicle frame 14 or wheel axle 15 to include design elements for the stub 11 "to be rotationally fixed to the vehicle frame or wheel axle because of a conformance fit (form fit)." The design of the first stub 11 provides "fixing means" in its structure. The "fixing means" cooperate with features formed in the vehicle frame of wheel axle (see claim 3) to prevent rotation of the stub once inserted in the frame or axle. Failing to find teaching of required design elements in Swennes et al. the Office Action states, "first stub 37 with a threaded portion protruding from the spring element, the first stub including fixing means, which can be a nut fastened to the stub 37, for obtaining a rotationally fixed, form-fit to a round hole on said at least one vehicle frame and axle." Applicants submit that bolts 37 of Figure 18 have a round cross section making them capable of rotation within a round hole. There is nothing in the teachings of Swennes et al. to show that the form or shape of the bolts would prevent them from rotating once inserted in a power plant or frame or cross-member, before securing them with a nut. While advancing a nut along the threaded portion of a

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bolt protruding from a mount (TremoRid) would produce a tightened connection, such a condition does not satisfy the requirement of claim 1 of the present invention. It is the fixing means e.g. form or shape of the stub interacting with cooperating features of receiving holes included in the vehicle frame or wheel axle that produces the "form fit" between the parts to provide the "rotationally fixed" condition recited in claim 1 of the present invention.

A mounting (TremoRid), for mounting a power plant to a vehicle frame or cross-member according to teachings of Swennes et al. includes a threaded bolt at each end. The bolts provide secure attachment of the power unit on one side of the "TremoRid" to the frame, on the other, using securing nuts advanced along each of the threaded bolts. There is nothing in the reference suggesting shaping of openings in either a power plant or frame for mating with bolts having similarly shaped cross section for preventing bolt rotation after insertion in the openings. Nevertheless, the Office Action again suggests influence of the present invention by attributing a connection to the reference, "for obtaining a rotationally fixed, form-fit - - - on said at least one vehicle frame and axle." Claim 1 of the present invention provides for such rotationally fixed, form-fit attachment of a flexible spring element optionally to a suitably designed frame or wheel axle, or both.

In view of the above, Applicants request the reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) since Swennes et al. is ineffective as an anticipating reference when it fails to either expressly or inherently describe each and every element claimed by the present invention.

Claims 2 and 4 - 7 were also rejected under 35 U.S.C. §102(b) as being anticipated by B.A. Swennes et al. (U.S. 2,044,649). Each of claims 2 and 4 - 7 has dependency from claim 1 adding additional limitation thereto. Previous discussion provides evidence to show that Swennes et al. is ineffective for rejection of claim 1 under 35 U.S.C. §102. Further limitation of claim 1 as recited in claims 2 and 4 - 7 in no way changes the failure of Swennes et al. as an anticipating reference. For this reason, applicants submit that rejection of claims 2 and 4 - 7 should be withdrawn and thereby request reconsideration and notification of allowance of these claims.

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REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1 and 2 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thaung et al. (U.S. 4,615,513) in view of Swennes et al.

Regarding claims 1 and 2, the Office Action suggests that Thaung et al. discloses, in Figure 1 and Figure 2, a spring element configured to transmit compression and tensile forces between a vehicle frame and a wheel axle, but fails to disclose a coupling device, included in the spring element, that comprises "a first stub with a threaded portion protruding from the spring element, the first stub including fixing means for obtaining a rotationally fixed, form-fit on said at least one vehicle frame and axle." The Office Action further suggests that Swennes et al. teaches, in Figure 18, "a coupling device that comprises a first stub 37 with a threaded portion protruding from the spring element, the first stub including fixing means, which can be a nut fastened to the stub 37, for obtaining a rotationally fixed, form-fit to a round hole on said at least one vehicle frame and axle."

Evidence was presented previously showing the failure of Swennes et al. to teach designs of bolts 37 and receiving openings in frame or cross-member supports and power units that produce rotationally fixed form fit relationships as recited in claim 1 of the present invention. Swennes lacks teachings required for claims rejection for obviousness over the combined references of Swennes et al. and Thaung et al. Failure of the combination of Thaung et al. and Swennes et al. as references under 35 U.S.C. §103(a) overcomes rejection of claim 1 for obviousness.

Request is respectfully made for reconsideration and withdrawal of rejection of claim 1 and claim 2 that depends from claim 1 to add further limitation thereto.

The Office Action also indicates rejection of claim 3 under 35 U.S.C. §103(a) as being unpatentable over Swennes et al. in view of Damico (U.S. 4,607,893). In this case, it is suggested that the reference of Damico contributes "a bevel configured to co-operate with the corresponding bevel arranged on said at least one of vehicle frame and wheel axle" that is acknowledged to be missing from the teachings of Swennes et al. Regardless of contribution of Damico, Swennes et al. lacks other requirements of claim 3 due to its dependency from claim 1

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of the present invention. Having demonstrated that claim 1 is patentable over the reference of Swennes et al., alone or in combination, claim 3 should also be patentable over applied references because claim 3 depends from claim 1.

Failure of Swennes et al. in view of Damico to demonstrate obviousness of the present invention under 35 U.S.C. §103(a) overcomes rejection of claim 3.

Request is respectfully made for reconsideration and withdrawal of rejection of claim 3 that depends from claim 1 to add further limitation thereto.

CONCLUSION

The prior art made of record and not relied upon has been considered. None of the references of Dickey (U.S. Patent Number 1,671,764); Saurer (U.S. Patent Number 1,850,289); Fyfe et al. (U.S. Patent Number 5,014,474); Gwinn (U.S. Patent Number 5,641,153) and Ekonen et al (U.S. Patent Number 5,676,356) appear to be pertinent to the present invention as currently claimed.

Applicants have made an earnest attempt to respond to all the points included in the Office Action and, in view of the above, submit that claims presented originally are in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of claims 1 - 7 in the next paper from the Office.

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The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07589.0160.PCUS00.

Respectfully submitted,

Tracy W. Druce
Patent Attorney
Reg. No. 35,493
Tel. 202.383.7398